IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.R.UDAYABHANU

WEDNESDAY, THE 17TH JANUARY 2007 / 27TH PAUSHA 1928

Crl.MC.No. 1611 of 2003-B

CMP.6755/2002 IN O.R.NO. 12/2002 of JUDL.MAGISTRATE OF FIRST CLASS COURT, MANNARKAD

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PETITIONER:

STATE OF KERALA, REPRESENTED BY THE DEPUTY RANGER, PUDUR FOREST, STATION.

BY PUBLIC PROSECUTOR MR. THOMAS JOHN AMBOOKEN

RESPONDENTS:

P.GOPALASWAMI, S/O. PALANISWAMY, 6/104, NALLIKANDAM PALAYAM, PALLANKARAI VILLAGE, AVANASHI TALUK, COIMBATORE DISTRICT, TAMIL NADU STATE.

BY ADV. SRI.K.P.MUJEEB

THIS CRIMINAL MISC. CASE HAVING BEEN FINALLY HEARD ON 17/01/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

K.R. UDAYABHANU, J.

CRL.M.C.NO.1611 of 2003

DATED THIS THE 17TH DAY OF JANUARY 2007

ORDER

The petitioner/State has sought for setting aside the order of the court below in C.M.P.No.6755/2002 in O.R.No.12/2002 directing to release the vehicle, Tata Mini Excavator, on executing a bond for Rs.two lakhs with two solvent sureties for the like sum. The contention raised is that the court ought not to have released the vehicle except on bank guarantee. The decision in State of Karnataka v. K.Krishnan, AIR 2000 SC 2729 is cited in support. I find from the order of the court below that the application to release the vehicle was not at all opposed. Hence, I find no reason to reconsider the matter. It is mentioned in the petition that the final report is about to be submitted . By this time the matter would have progressed much further. The Crl.M.C.is dismissed.

K.R.UDAYABHANU, JUDGE

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K.R.UDAYABHANU, J

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CRL.M.C.NO.1611 OF 2003

ORDER

DATE: 17-1-2007

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